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CRL RC No. 2804 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-01-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 2804 of 2025

Ramesh,
S/o. Kumarasamy

..Petitioner(s)

Vs

1.State Rep.by,
The Inspector of Police,
All Women Police Station,
W-35, Koyambedu, Chennai.

2.The Superintendent of Prison,
Central Puzhal Prison-II,
Tiruvallur - 600 066.

..Respondent(s)

PRAYER

Criminal Original Petition filed under Sec.438 of Cr.P.C. read with Sec.442 of B.N.S.S., 2023, to call for the records in CrI.M.P.No.1717 of 2025 passed by the learned Special Judge for Exclusive Trial of Cases under POCSO Act, Chennai and set aside the order dated 03.12.2025.

For Petitioner(s): Mr. R.C.Paul Kanagaraj

For Respondent(s): Mr.R.Vinothraja,
Government Advocate (Crl. Side)

ORDER

The revision challenges the order passed by the learned Sessions Judge,
Special Court for Exclusive trial of cases under POCSO Act, Chennai in



Crl.M.P.No.1717 of 2025 dated 03.12.2025 dismissing the petition to recommend the District Magistrate to classify the petitioner as a “Special Class Prisoner”.

2.The petitioner was arrested on 28.08.2025 for the offences under Sec.96, 143(4) of B.N.S.S. and Sec.81 of Juvenile Justice (Care and Protection of Children) Act.

3. It is the case of the prosecution that the petitioner indulged in forcing children to commit various offences under the Immoral Trafficking Act; that the petitioner was detained under the Tamil Nadu Act 14 of 1982 by an order dated 27.02.2025; that the petitioner had filed an application before the learned Judge praying for recommendation to the District Magistrate to classify the petitioner as “Special Class Prisoner”, since the petitioner was an income tax assessee: that the learned Judge, however, rejected the petition for classification of the petitioner as a “Special Class Prisoner”, since the petitioner has not produced any certificate to show his educational qualification for classification as “Special Class Prisoner”.

4. The learned counsel for petitioner would submit that Rule 804 of the Tamil Nadu Prison Rules provides for classification of prisoner as a “Special Class Prisoner” to all those who are accustomed to superior mode of living and



that educational qualification is not necessary to classify the prisoner as a “Special Class Prisoner”.

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5. The learned Government Advocate (Crl. Side) appearing for respondents, *per contra*, would submit that the learned Judge was right in interpreting Rule 804 of Tamil Nadu Prison Rules; that the Prisoner must not only accustomed to superior mode of life; but must be an income tax assessee and must also be educated and that therefore the impugned order is justified.

6, Rule 804 (1) of Tamil Nadu Prison Rules reads as follows :-

“804. Classification of under-trial and Remand Prisoners :- (1) under-trial or remand prisoners shall be of two classes, namely special and ordinary. The former class shall consist of those who by special status, education and habit of life have been accustomed to a superior mode of living. Courts shall make the initial recommendation for classification in the special class to the District Magistrate by whom the recommendations shall be approved or reviewed. Prisoners recommended for classification in the special class shall be tentatively treated as belonging to that class until the orders of the concerned District Magistrates approving or reviewing the recommendations are received.



7. The learned Sessions Judge, while interpreting the above rule had observed that the person to be classified as special class prisoner must either hold a special status or must satisfy two conditions viz., that by education and by habit of life, he must be accustomed to a superior mode of living. This Court is of the view that such an interpretation of the rule is contrary to the object of the rule.

8. The rule is intended to classify all prisoners who are accustomed to superior mode of living on account of either their special status or education or habit of life, to be classified as special class prisoners. What is relevant is that the prisoner must have been accustomed to a superior mode of living on account of one of the three reasons mentioned in the rule. The rule shall not be read as if the prisoner must satisfy all the conditions viz., a special status, educational qualification and habit of life or any of the two conditions. Then it would be almost impossible for any prisoner to be classified as a special class prisoner. It is a well settled rule of interpretation that if the context demands, the word '*and*' shall be read as '*or*' and '*vice versa*'.

9. Therefore, the endeavour of the Court should be to ascertain if the prisoner was accustomed to a superior mode of living on account of either special status or education or habit of life. If the prisoner is an income tax assessee and has paid tax, it certainly denotes a habit of life and depending on



the nature of income declared, one can ascertain if he is accustomed to superior mode of living. Therefore, classification as special class cannot be denied merely because a person is uneducated. This Court is unable to agree with the interpretation of the learned Judge and hence, inclined to set aside the impugned order.

10. Accordingly, the impugned order dated 03.12.2025 made in Crl.M.P.No.1717 of 2025 by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai is set aside and the learned Sessions Judge, is directed to consider the petition afresh and if the learned Judge is of the opinion that the petitioner is accustomed to superior mode of living on account of any of the three reasons, then appropriate recommendation may be made to the learned District Magistrate under Rule 804 of the Tamil Nadu Prison Rules.

11. With the above observations, the Criminal Revision Case is allowed.

08-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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SUNDER MOHAN J.

RPP/ars

To

1. The Sessions Judge,
Special Court for Exclusive trial of cases under POCSO Act,
Chennai.

2. The Inspector of Police,
All Women Police Station,
W-35, Koyambedu, Chennai.

3. The Superintendent of Prison,
Central Puzhal Prison-II,
Tiruvallur-600 066.

4. The Public Prosecutor,
High Court, Madras.

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